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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/158,968	09/21/1998	MARK LUCOVSKY	1570	4579

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EXAMINER

KUPSTAS, TOD A

ART UNIT PAPER NUMBER

2153

DATE MAILED: 08/29/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/158,968

Applicant(s)

LUCOVSKY ET AL.

Examiner

Tod Kupstas

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5-9.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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## DETAILED ACTION

### *Claim Objections*

1. Claims 11, 12, 21 and 22 are objected to because of the following informalities: In claim 11, line 1, "step writing" should be --step of writing--. In claim 12, "step writing" should be --step of writing--. In claim 21, line 1, "step writing" should be --step of writing--. In claim 22, line 1, "step writing" should be --step of writing--. Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

3. Claims rejected under 35 U.S.C. 102(a) as being anticipated by Lang (IBM Bolsters Windows NT Reliability With Tools Suite).

As set forth in claim 1, Lang discloses in a computer network (the system is designed for use in a computer network), a method of automatically deploying an application to a policy recipient (a client), comprising the steps of, maintaining an association between the application and the policy recipient; see page 1, lines 30-36, determining a time to apply information of the

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application to the policy recipient; page 2, lines 7-10, and making the application available to the policy recipient at that time; page 1, lines 21-26.

As set forth in claim 2, Lang discloses a method wherein the policy recipient is a user, and wherein the step of determining a time to apply the application to the policy recipient includes the step of detecting that the user is logging on to the network; see page 2, lines 5-10 (when the client registers a schedule is assigned, therefore the act of informing the network of the client's presence presents a creation of a schedule for the installation of application).

As set forth in claim 3, Lang discloses a method wherein the policy recipient is a machine, and wherein the step of determining a time to apply the application to the policy recipient includes the step of detecting that the machine is connecting to the network; see page 2, lines 5-10 (when the client registers a schedule is assigned, therefore the act of informing the network of the client's presence presents a creation of a schedule for the installation of application).

As set forth in claim 4, Lang discloses a method wherein the step of determining a time to apply the application to the policy recipient includes the step of polling machines in the network; see page 4, lines 4-7 (the system can query the clients for information).

As set forth in claim 5, Lang discloses a method further comprising the steps of detecting a request to run the application, accessing the registry to locate the application, and executing the application; see page 1, line 30-page 2, line 13.

As set forth in claim 6, Lang discloses a method wherein the step of maintaining an association between the application and the policy recipient comprises the step of storing a script

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in association with policy information for that policy recipient; page 1, lines 34-37 (the policy defines the association).

As set forth in claim 7, Lang discloses a method wherein the step of storing a script comprises the step of maintaining a centralized directory of network objects; page 2, lines 1-5, (management classes are maintained in the central directory, classes are a feature of objects).

As set forth in claim 10, Lang discloses a method wherein the step of making the application available to the policy recipient comprises the step of writing information to a registry associated with the policy recipient; see page 1, line 50-page 2, lines 5.

As set forth in claim 11, Lang discloses a method wherein the step writing information to a registry comprises the step of maintaining in the registry an association between the application and class identifier information; see page 1, line 50-page 2, lines 5.

As set forth in claim 12, Lang discloses a method wherein the step of writing information to a registry comprises the step of maintaining in the registry an association between the application and a file extension; see page 1, line 50-page 2, lines 5.

As set forth in claim 13, Lang discloses a method further comprising the steps of, detecting a user request to open a file, determining the file extension and accessing the registry to locate the application associated with the file extension, and opening the file with the application; see page 1, line 50-page 2, lines 5.

As set forth in claim 14, Lang discloses a method further comprising the steps of, determining if the application is locally installed, and if not installed, installing the application; see

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page 1, lines 21-36, and page 2, lines 7-12 (query function, plus checking the inventory of the installation workstations).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 8, 9, and 15-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Lang (IBM Bolsters Windows NT Reliability With Tools Suite) in view of Stupek Jr. (US 5,586,304).

As set forth in claim 15, Lang discloses in a computer network, a method of automatically deploying an application to a policy recipient, comprising the steps of, generating a script having information therein corresponding to the application, associating the script with a policy; see page 1, lines 21-26, 30-36, and page 2, lines 7-10.

As set forth in claim 16, Lang discloses a method wherein the policy recipient is a user, and wherein the step of applying the policy to the policy recipient is performed as part of a user network log on process; see page 2, lines 5-10.

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As set forth in claim 17, Lang discloses a method wherein the policy recipient is a machine, and wherein the step of applying the policy to the policy recipient is performed as part of a re-boot process of the machine; see page 2, lines 5-10.

As set forth in claim 18, Lang discloses a method wherein the step of associating the script with a policy comprises the step of maintaining the association in a centralized directory of network objects; see page 2, lines 1-5 (management classes are maintained in the central directory, classes are a feature of objects).

As set forth in claim 20, Lang discloses a method wherein the step of applying the policy to the policy recipient includes the step of writing information to a registry associated with the policy recipient; see page 1, line 50-page 2, lines 5 (the act of forming the policy constitutes imprinting the information associated with the policy).

As set forth in claim 21, Lang discloses a method wherein the step of writing information to a registry comprises the step of maintaining in the registry an association between the application and class identifier information; see page 1, line 50-page 2, lines 5.

As set forth in claim 22, Lang discloses a method wherein the step of writing information to a registry comprises the step of maintaining in the registry an association between the application and a file extension; see page 1, line 50-page 2, lines 5.

As set forth in claim 23, Lang discloses a method further comprising the step of installing the application (see page 1, lines 21-26, the system will install the software).

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As set forth in claim 24, Lang discloses in a computer network, a system for deploying applications to policy recipients; see col. 1, lines 21-25, comprising, a centralized store of policy objects, including application information of at least one application for assigning to policy recipients, and a mechanism for applying policy objects to a policy recipient; see pages 2, lines 1-5 (management classes are maintained in the central directory, classes are a feature of objects)

As set forth in claims 8, 9, 15, 19, and 24, Lang does not disclose advertising that the a application is available and subsequently adding a shortcut to the user profile. Stupek discloses an automatic computer upgrading system with individual clients 80 connected to a server. Stupek discloses a method wherein the step of making the application available to the policy recipient comprises the step of advertising the application as available; see col. 9, line 1-col. 10, line 6 (the system provides the applicant with notification that an upgrade exists). Stupek further discloses a method wherein the step of applying the policy to the policy recipient includes the step of adding an application shortcut to a user profile; see col. 9, line 1,-col. 10, line 6 (after showing the client that an update exists, the client can then chose to launch the update immediately). It would have been obvious to a person of ordinary skill in the art at the time this invention was made to have provided the installation system of Lang, with the advertise and shortcut system, as taught by Stupek. The rationale is as follows: It would have been desirable to have provided a notice and opt to launch feature to a client in order provide a client with the option not to upgrade, or to upgrade and do so immediately. As Stupek teaches the desirability of providing advertising and a shortcut, one of ordinary skill would have been motivated by Stupek's teaching to have provided



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the system of Lang, with the advertising and shortcut of Stupek, thereby having provided notice and the option for immediate launch for a user as to whether he/she wants to upgrade or not.

### *Conclusion*

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Cunningham et al. (US 6,219,786) discloses a method and system for monitoring and controlling network access.

Ma et al. (US 6,192,406) discloses a startup management system and method for networks.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tod Kupstas whose telephone number is (703) 305-2655.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess, can be reached at (703) 305-4792. The fax phone number for this art unit is (703) 308-7201. Any inquiry of a general nature or relating to the status of this


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application or proceeding should be directed to the technology center receptionist whose telephone number is (703) 305-3900.

Tod Kupstas



August 21, 2002